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C O N F I D E N T I A L COLOMBO 001545

SIPDIS

DEPARTMENT FOR SA, SA/INS, S/CT, EB/ESC/TFS, IO/PHO; NSC
FOR E. MILLARD

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TAGS: [PTER](#) [PREL](#) [CE](#) [XD](#) [EFIN](#) [PGOV](#) [UN](#)

SUBJECT: Terrorism Finance: Amid Indo-Pakistani
tensions, SAARC meets in Colombo to draft protocol

Refs: (A) FBIS Reston Va DTG 010252Z Sep 03
- (B) Kathmandu 1318
- (C) Colombo 1116

(U) Classified by James F. Entwistle, Deputy Chief of
Mission. Reasons 1.5 (b,d).

1. (C) SUMMARY: South Asian Association for Regional
Cooperation (SAARC) legal experts met August 27-29 in
Colombo to discuss regional implementation of UN
provisions related to terrorism financing. Rohan
Perera, the Sri Lankan MFA's chief legal adviser, told
us that progress was made on a draft protocol, but that
there had been Indo-Pakistani disagreement on key
points. Perera said the uncompleted draft would next be
submitted to ministers for discussion. END SUMMARY.

2. (C) SAARC MEETING: Senior legal officials of SAARC
countries met August 27-29 in Colombo to discuss
regional implementation of UNSCR 1373 (2001) and other
UN provisions related to terrorism financing. Rohan
Perera, the chief legal adviser of the Sri Lankan
Ministry of Foreign Affairs, told polchief on
September 3 that the meeting had made some progress
toward drafting an additional protocol to the SAARC
Regional Convention on the Suppression of Terrorism of
1987 that would implement the UN provisions. The draft,
based on a loose Sri Lankan suggested text, was about
"90 percent" finished, according to Perera, with many
core provisions agreed to. Perera said the Bangladeshi
and Nepali delegations had been particularly helpful in
helping draft various aspects of the protocol.

3. (C) INDO-PAKISTANI TENSIONS: Perera made clear that
there had been serious differences between the Indian
and Pakistani delegations regarding several aspects of
the draft. The key disagreement was over how to refer
to terrorism in the preamble, with the GoP delegation
pressing for some sort of recognition of the legitimacy
of "national liberation struggles," which the Indian
side could not agree to. There were also disagreements
between the two sides over the exact scope of a draft
list of terrorism offenses. Those elements of the draft
that were not agreed to, including in the preamble, were
left blank.

4. (C) Perera said there clearly had been significant
tension between the two delegations. Such bilateral
tensions involving India and Pakistan were common in
SAARC fora, he noted, but the bomb blasts in Mumbai on
August 25 had seemed to provide an extra "unwelcome"
aspect to the August meeting. While the atmosphere was
not the most conducive to completing the task at hand,
Perera stressed that the meeting had not been rancorous
or polemical.

5. (C) NEXT STEPS: In light of the Indo-Pakistani
divisions, Perera said there was no way that the working
level could make more progress on the draft. Thus, he
considered the working committee's mandate finished
until another one was established. He noted that this
meant that ministers would have to review the draft
protocol issue next. He thought this might be
"unfortunate" inasmuch as political considerations could
continue to block further progress on the draft
protocol. At this point, Perera said he was not sure
that the draft would be completed for signature by
principals at the planned Islamabad SAARC Summit in
January 2004 as originally envisaged. Bangladesh, he
said, had made some noises about a ministerial-level
meeting to discuss terrorism-related issues that would
perhaps take place before Islamabad. This might be an
opportunity to discuss the draft protocol further.

6. (U) Minimize considered.

LUNSTEAD